

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
POWER COMPANY FOR (1) A GENERAL)	
ADJUSTMENT OF ITS RATES FOR ELECTRIC)	
SERVICE; (2) AN ORDER APPROVING ITS 2017)	
ENVIRONMENTAL COMPLIANCE PLAN; (3) AN)	CASE NO.
ORDER APPROVING ITS TARIFFS AND RIDERS;)	2017-00179
(4) AN ORDER APPROVING ACCOUNTING)	
PRACTICES TO ESTABLISH REGULATORY)	
ASSETS AND LIABILITIES; AND (5) AN ORDER)	
GRANTING ALL OTHER REQUIRED APPROVALS)	
AND RELIEF)	

NOTICE OF FILING

Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on July 24, 2017 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the evidentiary hearing conducted on July 24, 2017 in this proceeding;
- A written log listing, *inter alia*, the date and time of where each witness' testimony begins and ends on the digital video recording of the evidentiary hearing conducted on July 24, 2017.

A copy of this Notice, the certification of the digital video record, hearing log, and exhibits have been electronically served upon all persons listed at the end of this Notice.

Parties desiring to view the digital video recording of the hearing may do so at http://www.psc.ky.gov/av_broadcast/2017-00179/2017-00179_24Jul17_Inter.asx.

Parties wishing an annotated digital video recording may submit a written request by electronic mail to pscfilings@ky.gov. A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 9th day of August 2017.

A handwritten signature in black ink that reads "John S. Lyons". The signature is written in a cursive style with a large initial "J" and "L".

John S. Lyons
Acting Executive Director
Public Service Commission of Kentucky

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY POWER COMPANY FOR)
(1) A GENERAL ADJUSTMENT OF ITS RATES FOR ELECTRIC)
SERVICE; (2) AN ORDER APPROVING ITS 2017 ENVIRONMENTAL)
COMPLIANCE PLAN; (3) AN ORDER APPROVING ITS TARIFFS AND)
RIDERS; (4) AN ORDER APPROVING ACCOUNTING PRACTICES TO)
ESTABLISH REGULATORY ASSETS AND LIABILITIES; AND (5) AN)
ORDER GRANTING ALL OTHER REQUIRED APPROVALS AND RELIEF)

CASE NO.
2017-00179

CERTIFICATION

I, Stephanie Schweighardt, hereby certify that:

1. The attached DVD contains a digital recording of the Hearing conducted in the above-styled proceeding on July 24, 2017. Hearing Log, Exhibit and Witness Lists are included with the recording on July 24, 2017.
2. I am responsible for the preparation of the digital recording.
3. The digital recording accurately and correctly depicts the Hearing of July 24, 2017.
4. The "Hearing Log" attached to this Certificate accurately and correctly states the events that occurred at the Hearing of July 24, 2017 and the time at which each occurred.

Signed this 25th day of July 2017.


Stephanie Schweighardt, Notary Public
State at Large
My Commission Expires: January 14, 2019
ID#: 525987



Judge: Bob Cicero; Talina Mathews; Michael Schmitt

Defendant: Ben Basil; Evan Buckley; Gregory Dutton; James Gardner; Mark David Goss; Carrie Harris; Mark E Health; Dennis Howard; David Leightty; Matthew Malone; William May; Barry A Naum; Todd Osterloh; Don Parker; David S Samford; Morgain Sprague; Janice Theriot ; Laurence Zielke

Witness: Robin Cooper; Ed Divine; Randy Hallis; Matthew Hart; George Scienskie; Gregory Tillman; Ty Vierling; Ronald Willhite; John Wolfram

Clerk: Stephanie Schweighardt

Date:	Type:	Location:	Department:
7/24/2017	Other	Hearing Room 1	Hearing Room 1 (HR 1)

Event Time	Log Event
9:15:35 AM	Session Started
9:15:38 AM	Session Paused
10:00:45 AM	Session Resumed
10:00:50 AM	Chairman Schmitt Note: Schweighardt, Stephanie
	Introduces Case #2017-00179
10:01:27 AM	Chairman Schmitt Note: Schweighardt, Stephanie
	Introduces Vice Chairman Cicero and Commissioner Mathews
10:01:50 AM	Chairman Schmitt Note: Schweighardt, Stephanie
	Preliminary remarks
10:03:32 AM	Camera Lock PTZ Activated
10:03:37 AM	Camera Lock Deactivated
10:05:10 AM	Chairman Schmitt Note: Schweighardt, Stephanie
	Announcing listing of intervenors with delay of Wal-Mart intervenor.
10:08:02 AM	Chairman Schmitt Note: Schweighardt, Stephanie
	Reading list of intervenors and dates each filed its motion to intervene
10:10:49 AM	Chairman Schmitt Note: Schweighardt, Stephanie
	Explanation of hearing process
10:12:36 AM	Chairman Schmitt Note: Schweighardt, Stephanie
	Explaining process after intervenors have been heard.
10:13:18 AM	Chairman Schmitt Note: Schweighardt, Stephanie
	Attorney Overstreet request to move to another seating location
10:13:47 AM	Chairman Schmitt Note: Schweighardt, Stephanie
	Calls Counsel for KY Cable Telecommunications Association
10:14:00 AM	Atty Larry Zielke Note: Schweighardt, Stephanie
	Introduces staff and calls witness Randy Hallis to the stand
10:14:33 AM	Chairman Schmitt Note: Schweighardt, Stephanie
	Swears in Witness Randy Hallis

10:14:45 AM	Atty Zielke Direct Exam of Witness Callis Note: Schweighardt, Stephanie	Asking Witness Hallis to state name, what company does and office location
10:15:48 AM	Atty Zielke Direct Exam Witness Hallis Note: Schweighardt, Stephanie	Asking Witness why member of KCTA are concerned about KY Power tariff
10:16:55 AM	Atty Zielke Direct Exam Witness Hallis Note: Schweighardt, Stephanie	Atty Zielke request to distribute document and have entered into the record as Exhibit #1 Chairman Schmitt accepts as Exhibit 1
10:18:13 AM	Atty Zielke directs Witness Hallis Note: Schweighardt, Stephanie	Ask Witness regarding Ex 1 and what it provides
10:18:54 AM	Atty Zielke directs Witness Hallis Note: Schweighardt, Stephanie	Asking Witness about the tariff conditions of Ex 1.
10:19:19 AM	Atty Zielke directs Witness Hallis Note: Schweighardt, Stephanie	Asking Witness about the rates and formula of the tariff
10:19:46 AM	Atty Zielke directs Witness Hallis Note: Schweighardt, Stephanie	Asking Witness if rates directly affect the cable companies
10:20:23 AM	Atty Zielke directs Witness Hallis Note: Schweighardt, Stephanie	Asking Witness if anyone else is effected by these rate changes other then the cable companies
10:21:07 AM	Atty Zielke directs Witness Hallis Note: Schweighardt, Stephanie	Asking Witness what the rate are increased what would this do to the users
10:21:29 AM	Atty Zielke directs Witness Hallis Note: Schweighardt, Stephanie	Asking Witness about the amount of power used for the poles used and if the pole attachment cost will be passed down to the customers
10:22:32 AM	Atty Zielke directs Witness Hallis Note: Schweighardt, Stephanie	Asking if KCTA does not intervene, will individuals need to intervene
10:23:21 AM	Atty Zielke directs Witness Hallis Note: Schweighardt, Stephanie	No further questions
10:23:26 AM	Atty Overstreet Cross Exam of Witness Hallis Note: Schweighardt, Stephanie	Asking Witness about cable attachment rates
10:24:25 AM	Atty Chandler Cross Exam of Witness Hallis Note: Schweighardt, Stephanie	Asking Witness regarding first page of exhibit and terms of service
10:25:17 AM	Chairman Schmitt Note: Schweighardt, Stephanie	Ask Atty Nancy Vinsel to introduce PSC staff
10:25:41 AM	PSC Atty Vinsel Cross Exam of Witness Hallis Note: Schweighardt, Stephanie	Ask Witness to list seven companies
10:27:14 AM	PSC Atty Vinsel Cross Exam of Witness Hallis Note: Schweighardt, Stephanie	Asking about the equipment and facilities attached to the tariff

10:27:47 AM	PSC Atty Vinsel Cross Exam of Witness Hallis Note: Schweighardt, Stephanie	Asking about amount of space required for the poles
10:28:06 AM	PSC Atty Vinsel Cross Exam of Witness Hallis Note: Schweighardt, Stephanie	Asking Witness to explain about the rates and special interest
10:29:50 AM	PSC Atty Vinsel Cross Exam of Witness Hallis Note: Schweighardt, Stephanie	Asking Witness to explain why AG Office cannot represent KCTA case
10:30:48 AM	PSC Atty Vinsel Cross Exam of Witness Hallis Note: Schweighardt, Stephanie	Asking Witness if KIUC could represent KCTA interest
10:31:31 AM	PSC Atty Vinsel Cross Exam of Witness Hallis Note: Schweighardt, Stephanie	Asking if KCTA was permitted to intervene, how would they do so
10:31:50 AM	PSC Atty Vinsel Cross Exam of Witness Hallis Note: Schweighardt, Stephanie	Asking about case #2015-00341, and how KCTA participated in that case
10:32:46 AM	PSC Atty Vinsel Cross Exam of Witness Hallis Note: Schweighardt, Stephanie	Asking Witness if aware of any changes in methodology within the pole attachments
10:33:22 AM	PSC Atty Vinsel Cross Exam of Witness Hallis Note: Schweighardt, Stephanie	Would KCTA present any changes to the methodology
10:33:45 AM	Vice Chairman Cicero Cross Exam of Witness Hallis Note: Schweighardt, Stephanie	Asking Witness if KCTA the only organization that represents cable operators in KY
10:34:32 AM	Atty Zielke Note: Schweighardt, Stephanie	Requested to state from Section 224 - Communications Act, regarding just and reasonable rates of pole attachments
10:35:28 AM	Atty Chandler Note: Schweighardt, Stephanie	Addresses statement regarding AG Office representing KCTA
10:36:11 AM	Chairman Schmitt Note: Schweighardt, Stephanie	Excuses witness
10:36:14 AM	Chairman Schmitt Note: Schweighardt, Stephanie	Address Atty Zielke request to be excused from Hearing
10:37:00 AM	Chairman Schmitt Note: Schweighardt, Stephanie	Calls Counsel for Kentucky League of Cities (KLC)
10:37:12 AM	Atty Dutton Note: Schweighardt, Stephanie	Introduces Staff and calls Witness Cooper to the stand
10:37:42 AM	Chairman Schmitt Note: Schweighardt, Stephanie	Swears in Witness Cooper
10:38:00 AM	Atty Dutton Direct Exam of Witness Cooper Note: Schweighardt, Stephanie	Ask Witness to state his job position with KLC and its background
10:40:12 AM	Atty Dutton Direct Exam of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness which city he was mayor

Note: Schweighardt, Asking if witness has every testified before the legislator
Stephanie

10:40:37 AM Atty Dutton Direct Exam of Witness Cooper
Note: Schweighardt, Asking Witness about KY Power service territory
Stephanie

10:41:15 AM Atty Dutton Direct Exam of Witness Cooper
Note: Schweighardt, Asking Witness about the range of population within the cities
Stephanie

10:41:48 AM Atty Dutton Direct Exam of Witness Cooper
Note: Schweighardt, Asking Witness about amount of infrustruture
Stephanie

10:42:07 AM Atty Dutton Direct Exam of Witness Cooper
Note: Schweighardt, Asking witness about waste water in cities
Stephanie

10:42:24 AM Atty Dutton Direct Exam of Witness Cooper
Note: Schweighardt, Asking Witness about amount of eletricity needed within these cities
Stephanie

10:42:52 AM Atty Dutton Direct Exam of Witness Cooper
Note: Schweighardt, Asking Witness about the water works Tariffs
Stephanie

10:43:00 AM Atty Dutton Direct Exam of Witness Cooper
Note: Schweighardt, Asking witness about city budget
Stephanie

10:43:29 AM Atty Dutton Direct Exam of Witness Cooper
Note: Schweighardt, Asking Witness about city having a short-fall
Stephanie

10:44:07 AM Atty Dutton Direct Exam of Witness Cooper
Note: Schweighardt, Asking witness about source city generate for revenue
Stephanie

10:44:59 AM Atty Dutton Direct Exam of Witness Cooper
Note: Schweighardt, Asking Witness if possible to reduce services elsewhere
Stephanie

10:45:27 AM Atty Dutton Direct Exam of Witness Cooper
Note: Schweighardt, Asking Witness about the purposed base fuel rate
Stephanie

10:46:14 AM Atty Dutton Direct Exam of Witness Cooper
Note: Schweighardt, Asking Witness about League of Cities feedback received regarding
Stephanie the rate increase

10:47:26 AM Atty Dutton Direct Exam of Witness Cooper
Note: Schweighardt, Asking Witness about the size of the budget for each city
Stephanie

10:48:15 AM Atty Overstreet Cross Exam of Witness Cooper
Note: Schweighardt, Asking Witness about paragraph 2 within motion to intervene and
Stephanie cities listed

10:49:25 AM Atty Overstreet Cross Exam of Witness Cooper
Note: Schweighardt, Asking about KLC to represent cities
Stephanie

10:49:55 AM Atty Overstreet Cross Exam of Witness Cooper
Note: Schweighardt, Asking Witness about City of Olive Hill
Stephanie

10:50:51 AM Atty Chandler Cross Exam of Witness Cooper
Note: Schweighardt, Asking Witness if KLC is permitted to intervene, will conduct
Stephanie discoveries and provide testimonies

10:51:43 AM	PSC Atty Fell Cross Exam of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness to expand on his answers regarding the rate of return on the application
10:52:12 AM	Atty Dutton Note: Schweighardt, Stephanie	States Witness Cooper is not an expert on this type of question, but will allow him to proceed
10:53:51 AM	PSC Atty Fell Cross Exam of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness if it is KLC's position that no other party can represent their special interest
10:54:49 AM	PSC Atty Fell Cross Exam of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness why AG Office could not represent KLC
10:56:20 AM	PSC Atty Fell Cross Exam of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness to confirm if KLC were permitted to intervene what steps would be taken to assist PSC
10:57:50 AM	PSC Atty Fell Cross Exam of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness if KLC is representing themselves or the cities
10:59:27 AM	Vice Chairman Cicero Cross Exam of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness why cities have not indicated KLC is to represent them
11:02:18 AM	Camera Lock PTZ Activated	
11:02:43 AM	Vice Chairman Cicero Cross Exam of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness about the cities awareness of the rates within the current tariff
11:03:03 AM	Camera Lock Deactivated	
11:04:15 AM	Vice Chairman Cicero Cross Exam of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness about information KLC will provide if permitted to intervene
11:05:30 AM	Commissioner Mathews Cross Exam of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness if KLC will be going back to each of the cities and doing a collabrated response
11:06:11 AM	Chairman Schmitt Note: Schweighardt, Stephanie	Asking about the 26 cities being in the KLC footprint and cities not in the footprint
11:07:46 AM	Chairman Schmitt Note: Schweighardt, Stephanie	Asking Witness what is the KLC and how is it governed. Asking about its board.
11:08:33 AM	Chairman Schmitt Note: Schweighardt, Stephanie	Asking Witness what does the board of directors do about the hiring of officers and does the KLC board have officers.
11:09:59 AM	Chairman Schmitt Note: Schweighardt, Stephanie	Asking about the 26 cities listed to intervene and KLC to represent them. Who made the decision to intervene and was a decision made.
11:10:06 AM	OBJECTION Note: Schweighardt, Stephanie	Atty Overstreets objects to witness' answer
11:10:06 AM	Chairman Schmitt Note: Schweighardt, Stephanie	Asking Witness what does the board of directors do about the hiring of officers and does the KLC board have officers.
11:11:27 AM	Atty Dutton Redirect of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness about streetlights and who makes the desicison regarding the streetlights
11:11:27 AM	Atty Dutton Redirect of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness about WYMT coverage stating vote for KLC to intervene in this case

11:11:55 AM	Atty Dutton Redirect of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness about the typical procedures by the board before KLC intervenes
11:12:48 AM	Atty Dutton Redirect of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness about no action is taken unless a vote by the legal board
11:13:12 AM	Atty Dutton Redirect of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness about the executive board made up of representative of the cities
11:13:30 AM	Atty Overstreet Cross Exam of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness where the KLC Headquarters are located
11:13:53 AM	Atty Overstreet Cross Exam of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness if no office in the KY Power service territory and league is not a customer of KY Power
11:14:10 AM	Atty Chandler Note: Schweighardt, Stephanie	Makes statement regarding AG Office does not intent to provide any discoveries or testimony on the municipal water works tariff
11:14:26 AM	Vice Chairman Cicero Cross Exam of Witness Cooper Note: Schweighardt, Stephanie	Asking Witness regaring never appearing before PSC and if the KLC ever appeared before the PSC
11:14:50 AM	Vice Chairman Cicero Cross Exam of Witness Cooper Note: Schweighardt, Stephanie	Askiing Witness if any expert witnesses have ever been introduce by the KLC
11:14:59 AM	Atty Dutton Note: Schweighardt, Stephanie	Stated KLC Witness provided tesitmony for the LG&E KU case.
11:15:20 AM	Chairman Schmitt Note: Schweighardt, Stephanie	Excuses witness
11:15:28 AM	Atty Dutton Note: Schweighardt, Stephanie	Summarizes KLC motion to intervene
11:16:47 AM	Chairman Schmitt	
11:17:30 AM	Chairman Schmitt Note: Schweighardt, Stephanie	Calls Counsel for the Kentucky School Board
11:17:30 AM	Atty Molane Note: Schweighardt, Stephanie	Introduces staff and Witness
	Note: Schweighardt, Stephanie	Atty Molane calls Witness Willhite to the stand
11:17:59 AM	CHAIRMAN Note: Schweighardt, Stephanie	Swears in Witness
11:18:07 AM	Atty Molane Direct Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness Wilhite to state name and employment history
11:19:45 AM	Atty Molane Direct Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness what boards he has testified before
11:20:11 AM	Atty Molane Direct Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness about role on School Board

11:20:41 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness about cost of utility being city's second highest
Stephanie

11:20:58 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness about the school energy manager project
Stephanie

11:21:44 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness about PSPA
Stephanie

11:22:05 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness about Case #2014-00396 KY Power prior rate case
Stephanie

11:22:30 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness about KY Power did with meters in regards to the
Stephanie pilot school rate

11:23:03 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness how many school accounts are served on the pilot
Stephanie school rate and how many districts

11:23:37 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness about KSBs position now on the pilot school rate
Stephanie

11:24:05 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness about the Increase to schools environmental
Stephanie surcharge

11:24:28 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness which witnesses are in reference and subject to
Stephanie check, pages 19 and 21 of witnesses' testimony

11:25:16 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness to speak about KSBA
Stephanie

11:25:51 AM Atty Molane Direct Exam Witness Willhite
Note: Schweighardt, Asking Witness how many school managers are involved with KY
Stephanie Power territory

11:26:16 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness how KSBA became involved in this proceeding
Stephanie

11:26:37 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness if there has been communication with each district
Stephanie

11:27:10 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness regarding schools being separate rate case within
Stephanie the KY Power service territory

11:27:30 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness about certain aspects of schools viewed differently
Stephanie to regular customers

11:28:53 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness to explain why schools have special interest in this
Stephanie case that could not be explained by the AG office

11:30:48 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness if KY Power provides ongoing information to KSB
Stephanie

11:31:29 AM Atty Molane Direct Exam of Witness Willhite
Note: Schweighardt, Asking Witness to confirm that the AG does not have specific
Stephanie involvement with usage within the schools

11:32:15 AM	Atty Molane Direct Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness for ideas KSBA will bring if permitted to intervene
11:33:39 AM	Atty Overstreet Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness if KSBA has an office in KY Power's territory
11:33:59 AM	Atty Overstreet Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness about the School Energy Manager Program being separate and apart from the pilot k-12 tariff.
11:34:20 AM	Atty Chandler Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness if permitted to intervene will KSBA provide testimony on any and all subjects
11:34:45 AM	Atty Kurts Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness about the 16% rate increase being the gross increase and how much money the school districts will get with the 3% tax increase
11:35:35 AM	PSC Atty Fell Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness if there will be any other tariffs or rates to be concerned with
11:36:22 AM	PSC Atty Fell Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness about other tariffs and to expand on any special interests
11:37:06 AM	PSC Atty Fell Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness about K12 Tariff
11:37:38 AM	PSC Atty Fell Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness the purpose of establishing the pilot tariff
11:38:19 AM	PSC Atty Fell Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness to expand on the school energy and bill impact
11:40:04 AM	Vice Chairman Cicero Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness how long pilot program has been in effect
11:40:57 AM	Vice Chairman Cicero Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness if KSBA Program position is the pilot program should be eliminated
11:42:12 AM	Vice Chairman Cicero Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness if a cost of service expert would be provided
11:42:52 AM	Vice Chairman Cicero Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness if supporting testimony or information looking at rates under a school tariff will be provided
11:43:14 AM	Commissioner Mathews Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness how are the energy managers paid for
11:43:57 AM	Commissioner Mathews Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness if KSBA will be providing evidence on the energy manager program and if something specific will be focused on
11:45:45 AM	Chairman Schmitt Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness about the Energy Tax and if every school district has this tax
11:46:25 AM	Chairman Schmitt Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness if School Boards have taxing power?

11:46:57 AM	Chairman Schmitt Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness about some schools having own energy management program
11:48:28 AM	Chairman Schmitt Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness about School districts having the ability to lower their energy rate
11:49:00 AM	Chairman Schmitt Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness regarding KSBA having to provide KY Power information on a semi-annual basis as to electric usage and PSC could not locate if this was submitt Note: Schweighardt, Stephanie Atty Overstreet explains and offers to submit in a PHDR
11:50:19 AM	Chairman Schmitt Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness about Pilot Program and including non-public schools in program
11:51:40 AM	Atty Overstreet Cross Exam of Witness Willhite Note: Schweighardt, Stephanie	Asking Witness about the Pilot K12 tariff and it providing \$500,000 annually
11:53:20 AM	Chairman Schmitt Note: Schweighardt, Stephanie	Witness excused
11:53:27 AM	Atty Malone Note: Schweighardt, Stephanie	Summerizes KSBA motion to intervene
11:55:02 AM	Chairman Schmitt Note: Schweighardt, Stephanie	Atty Kurts states he would prefer to work through lunchbreak Calls for 10min break and discusses lunch break
11:55:46 AM	Session Paused	
12:10:37 PM	Session Resumed	
12:10:39 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Explains all have agreed to proceed through lunch break, but to alert him if a break is needed
12:11:48 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Explains proceeding will continue with those present, however when Wal-mart witness arrives, Wal-Mart will then be inserted
12:12:19 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Calls counsel for International Brotherhood of Electrical Workers (IBEW), Local Union 369
12:12:31 PM	Atty Basil Note: Schweighardt, Stephanie	Introduces staff and witness
12:12:43 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Swears in Witness Divine
12:12:52 PM	Atty Basil Direct Exam of Witness Divine Note: Schweighardt, Stephanie	Ask Witness to state name, place of employment and type of work
12:14:20 PM	Atty Basil Direct Exam of Witness Divine Note: Schweighardt, Stephanie	Asking Witness who the Union represents and if aware of any other representatives of employees
12:14:52 PM	Atty Basil Direct Exam of Witness Divine Note: Schweighardt, Stephanie	Asking witness if IBEW has every intervene in a PSC case or has any other IBEW intervene in other cases

12:15:26 PM	Atty Basil Direct Exam of Witness Divine Note: Schweighardt, Stephanie	Asking if IBEW was permitted to intervene on any rate cases
12:16:05 PM	Atty Basil Direct Exam of Witness Divine Note: Schweighardt, Stephanie	Asking why IBEW wants to intervene
12:16:30 PM	Atty Basil Direct Exam of Witness Divine Note: Schweighardt, Stephanie	Asking where does the money come from for the contract workers
12:16:45 PM	Atty Basil Direct Exam of Witness Divine Note: Schweighardt, Stephanie	Asking Witness about his experience with market wages in KY
12:17:44 PM	PSC Atty Fell Cross Exam of Witness Divine Note: Schweighardt, Stephanie	Asking Witness if IBEW is a customer of KY Power
12:17:59 PM	PSC Atty Fell Cross Exam of Witness Divine Note: Schweighardt, Stephanie	Asking if IBEW is representing only employees of these customers
12:18:51 PM	PSC Atty Fell Cross Exam of Witness Divine Note: Schweighardt, Stephanie	Asking Witness to give what specifically its special interest is in this rate case
12:19:40 PM	PSC Atty Fell Cross Exam of Witness Divine Note: Schweighardt, Stephanie	Asking Witness how the safety issues are related to the rate case
12:20:49 PM	PSC Atty Fell Cross Exam of Witness Divine Note: Schweighardt, Stephanie	Asking Witness if IBEW position that no one can represent its special interest and why the AG cannot represent
12:21:38 PM	PSC Atty Fell Cross Exam of Witness Divine Note: Schweighardt, Stephanie	Asking Witness if permitted to intervene, plans of how they would assist the PSC
12:22:23 PM	PSC Atty Fell Cross Exam of Witness Divine Note: Schweighardt, Stephanie	Asking witness of Ideas IBEW would have to participate in the expert testimony
12:23:01 PM	PSC Atty Fell Cross Exam of Witness Divine Note: Schweighardt, Stephanie	Asking Witness to confirm if any KY Power employees are members of IBEW Union 369
12:23:17 PM	Vice Chairman Cross Exam of Witness Divine Note: Schweighardt, Stephanie	Asking Witness about contract employees safety having anything to do with rate cases
12:24:05 PM	Atty Basil Redirect Exam of Witness Divine Note: Schweighardt, Stephanie	Asking Witness if Union represents consumers or employees
12:25:09 PM	Atty Basil Redirect Exam of Witness Divine Note: Schweighardt, Stephanie	Asking Witness if jobs that are fully staff are more safe
12:25:49 PM	Atty Basil Redirect Exam of Witness Divine Note: Schweighardt, Stephanie	Asking Witness if staffing and equipment is based on the budget
12:26:08 PM	Atty Chandler Note: Schweighardt, Stephanie	States that the AG is able and willing to represent all customers as it pertains to the rates and service as members of the broader residential class.
12:26:30 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Witness is excused

12:26:33 PM	Atty Basil Note: Schweighardt, Stephanie	Summarizes IBEW motion to intervene
12:28:40 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Calls counsel for WalMart
12:28:51 PM	Atty Parker Note: Schweighardt, Stephanie	Introduces staff and Witness
12:29:04 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Swears in Witness Tillman
12:29:17 PM	Atty Parker Direct Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness to state name and job position
12:30:59 PM	Atty Parker Direct Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking witness how long he has done his job an prior experience to get the job
12:31:58 PM	Atty Parker Direct Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking witness about cause of verified testimony for case and if any edits today
12:32:40 PM	Atty Parker Direct Exam of Witness Tillman Note: Schweighardt, Stephanie	Request the testimony previously distributed, be submitted as WalMart Exhibit #1
	Note: Schweighardt, Stephanie	Chairman Schmitt admits as WalMart Exhibit #1
12:33:40 PM	Atty Overstreet Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness about Public Service Oklahoma
12:34:12 PM	Atty Chandler Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness if Wal-Mart is permitted to intervene will they conduct discovery and provide testimony & evidence
12:34:57 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness about Page 3 of testimony, line 14 - 30,000 associates being part time workers
12:35:30 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness about the 848 KY based suppliers serving the KY WalMart stores
12:36:23 PM	Session Paused	
12:37:05 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Pauses due to IT issue/noise in other room
12:37:05 PM	Session Resumed	
12:37:08 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Distributes Exhibit #1
12:38:03 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness about page 2 of document
12:39:00 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness about numbers listed on document being used for testimony
12:39:21 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking witness about KY based being stated on the report

12:39:53 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness about not having reviewed the Dunn and Bradstreet report
12:40:40 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking witness how the commissioner knows this is a true statement
12:41:09 PM	OBJECTION Note: Schweighardt, Stephanie	Atty Parker states Atty Kurts is interrupting the Witness
12:41:23 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness about the document not stating its KY based
12:42:23 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness to confirm he has not verify the information
12:42:27 PM	MOVES TO STRICT STATEMENT Note: Schweighardt, Stephanie	Atty Kurts moves to strict statement
	Note: Schweighardt, Stephanie	Chairman Schmitt states the Commission will reconsider the statement for what it is worth, if anything
12:43:05 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking witness about brands walmart sells
12:43:34 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness where 1.3 billion comes from
12:44:16 PM	PSC Atty Vinsel Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness what tariffs WalMart takes service from KY Power
12:44:55 PM	PSC Atty Vinsel Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking witness about IGS tariff
12:45:24 PM	PSC Atty Vinsel Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking witness about mistake in the motion to intervene
12:46:21 PM	PSC Atty Vinsel Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness to confirm that KY power has proposed rate increases in both tariffs
12:47:03 PM	PSC Atty Vinsel Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	regarding testimony - WalMart has 105 retail centers out of KY and 9 retail centers in KY Power territory
12:47:34 PM	PSC Atty Vinsel Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking witness regarding the three types of retail stores in KY
12:48:00 PM	PSC Atty Vinsel Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness for the breakdown of the nine, what the breakdown is of the three types
12:48:38 PM	PSC Atty Vinsel Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness about the Wal-Mart distribution centers in ky and those not served by KY Power
12:49:00 PM	PSC Atty Vinsel Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness to onfirm with subject to check, the amount of electricity consumed by Wal-Marts in KY is 9.5% from KY Power

12:49:33 PM	PSC Atty Vinsel Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Regarding Witness testimony - explain Wal-Mart's unique interest to this case and why the AG cannot represent Wal-Mart's interest in this case.
12:53:06 PM	PSC Atty Vinsel Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness to explain why KY Commercial Utilities customers cannot represent Wal-Mart
12:55:16 PM	PSC Atty Vinsel Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness about KIUC to represent the vendors that Wal-Mart will represent
12:56:33 PM	PSC Atty Vinsel Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness regarding his testimony, explain the statement about Wal-Mart's low profile being so unique
1:00:12 PM	Vice Chairman Cicero Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness regarding intervening in the KU and LGE rate case
1:01:33 PM	Vice Chairman Cicero Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness if there is something to add that states why Walmart should be at the level of the AG office
1:02:48 PM	Atty Parker ReDirect Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness how many associates work at the stores
1:03:13 PM	Atty Parker ReDirect Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness about not being sure on the mix of full time and part time employees
1:03:41 PM	Atty Parker ReDirect Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness about document submitted by KIUC
1:05:03 PM	Atty Parker ReDirect Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking witness about state specific data
1:05:14 PM	Atty Parker ReDirect Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness regarding more detailed data
1:06:16 PM	Atty Parker ReDirect Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness if Wal-Mart could be seen as industrial to the commission
1:07:02 PM	Atty Parker ReDirect Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness if KIUC and AG goes into different directions
1:08:50 PM	Atty Parker ReDirect Exam of Witness Tillman Note: Schweighardt, Stephanie	Regarding KICU and AG having different positions, what would Wal-Mart do?
1:09:55 PM	Atty Parker ReDirect Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking witness about the evidence from WalMart
1:10:40 PM	Chairman Schmitt Note: Schweighardt, Stephanie Note: Schweighardt, Stephanie Note: Schweighardt, Stephanie	Asking Atty Kurts if he wishes for the document submitted be entered as KIUC Exhibit #1 Atty Kurts confirms Chairman enters as KICU Exhibit #1

1:11:10 PM	Atty Chandler Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness about representing WalMart in front of the commission
1:11:50 PM	Atty Chandler Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness if he has been involved in case where WalMart did not provide information, but the AG had?
1:13:22 PM	Atty Chandler Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness if he is aware of the statute that the AG Office is obligated to represent customers in front of the Commission
1:13:48 PM	Atty Chandler Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness if he is aware of the statute that differentiates between different classes of customers
1:14:23 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness about a calculation of how many jobs were taken away by WalMart coming in
1:15:40 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness about if WalMart did not sell local produce
1:15:57 PM	OBJECTION - Atty Parker Note: Schweighardt, Stephanie	Chairman overrules
1:15:58 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness if WalMart is not selling local goods, will someone
1:16:57 PM	Atty Kurts Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness why states compete for industrial customers
1:20:15 PM	PSC Atty Vinsel Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness for the difference between WalMart low characteristics and a hospital's
1:21:41 PM	PSC Atty Vinsel Cross Exam of Witness Tillman Note: Schweighardt, Stephanie	Asking Witness about Walmarts low profile from other commercial users in KY Power territory
1:24:43 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Witness Excused
1:24:55 PM	Atty Parker Note: Schweighardt, Stephanie	Summarizes Wal-Mart's motion to intervene
1:25:59 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Excuses Atty Parker
1:26:05 PM	Atty Chandler Note: Schweighardt, Stephanie	Chairman Schmitt takes recess until 1:35pm
	Note: Schweighardt, Stephanie	Request a small recess
1:26:19 PM	Session Paused	
1:41:32 PM	Session Resumed	
1:41:39 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Calls Counsel for Riverside Generating Company, LLC and notes that Vice Chairman Cicero will need to leave by 3pm
1:42:09 PM	Atty Samford Note: Schweighardt, Stephanie	Introduces staff and witness

1:42:23 PM	Atty Overstreet Note: Schweighardt, Stephanie	Introduces partner, Ken Gish
1:42:46 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Swears in Witness
1:42:56 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Ask Witness to state name and employment
1:44:05 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness about the Riverside Tariffs
1:44:38 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness about the retail tariff
1:45:04 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness what is the tariff most important to Riverside
1:45:28 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness to explain the special interest Riverside has in this case
1:46:08 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness about Riverside not being a traditional industrial utility
1:46:28 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness about Riverside not being a residential or commercial customer
1:46:45 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness if he is familiar with other parties to intervene, any to represent Riverside's interest to intervene
1:47:33 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness to explain why it is a concern
1:48:05 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness if Riverside would be able provide information to assist the PSC
1:48:38 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness if Riverside's intervention would complicate or distrupts the case
1:49:00 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Regarding the response KY Power filed in opposition to Riverside
1:49:49 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness if Riverside was allowed to intervende, would it be okay if certain information was not allowed
1:50:09 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness regarding commercial dispute
1:51:06 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness if Riverside qualifies under the terms of the tariff is currently written
1:52:01 PM	Atty Samford Direct Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness if Riverside is concerned that KY Power is changing the negotiating terms

1:52:42 PM	Atty Overstreet Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness if Riverside is a competitor of KY Power
1:53:20 PM	Atty Overstreet Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness about information to be produced in the case would be valuable to Riverside
1:54:02 PM	Atty Overstreet Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness regarding net metering
1:54:16 PM	Atty Overstreet Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness regarding anything in the tariff that mentions net metering
1:55:18 PM	Atty Overstreet Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	asking witness to read the proposed statement in the tariff
1:56:00 PM	Atty Overstreet Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness regarding nothing in statement refers to net metering
1:56:29 PM	Atty Overstreet Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking the witness about the statement read
1:57:28 PM	Atty Overstreet Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking the Witness about the dispute between KY Power and Riverside
1:58:37 PM	Atty Overstreet Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Regarding changes of the proposed dispute
1:58:58 PM	Atty Overstreet Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness about Riverside rates of start up power services
2:00:51 PM	Atty Overstreet Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness for reason to believe KIUC will not represent customers paying under KIUGS
2:01:55 PM	Atty Chandler Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness if granted intervined Riverside provide discoveries and provide testimony toward changes to tariff
2:02:36 PM	PSC Atty Vinsel Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness about the two Tariffs
2:03:39 PM	PSC Atty Vinsel Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness how long has Riverside been with the Tariff
2:04:20 PM	PSC Atty Vinsel Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness if Riverside priliminary interest being the lanague in the last paragraph and the FERC OATT
2:05:36 PM	PSC Atty Vinsel Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness about Contract Negotiations
2:06:12 PM	PSC Atty Vinsel Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness about net metering under the OATT
2:06:28 PM	Atty Samford Note: Schweighardt, Stephanie	States the term net metering should be remote self supplied as a more accurate term

2:07:29 PM	Note: Schweighardt, Stephanie PSC Atty Vinsel Cross Exam of Witness Scienskie	Chairman states if anyone still uses net metering, nothing commission can do
2:08:17 PM	Note: Schweighardt, Stephanie PSC Atty Vinsel Cross Exam of Witness Scienskie	Asking Witness about riverside concerns are more with the change in the lanuage
2:08:45 PM	Note: Schweighardt, Stephanie PSC Atty Vinsel Cross Exam of Witness Scienskie	Asking Witness about separate generators on different parts of the land
2:10:27 PM	Note: Schweighardt, Stephanie PSC Atty Vinsel Cross Exam of Witness Scienskie	Asking Witness about the nature of the proposed changes in the tariff
2:11:13 PM	Note: Schweighardt, Stephanie PSC Atty Vinsel Cross Exam of Witness Scienskie	Asking Witness if Riverside were permitted to intervene, how whould they assist the PSC
2:11:46 PM	Note: Schweighardt, Stephanie Vice Chairman Cicero Cross Exam of Witness Scienskie	Asking Witness if Riverside wolud file testimony to assist PSC
2:13:17 PM	Note: Schweighardt, Stephanie Vice Chairman Cicero Cross Exam of Witness Scienskie	Asking the Witness if the motion to intervene is regarding the Commercial Dispute or just lanuage in tariff
2:14:15 PM	Note: Schweighardt, Stephanie Atty Samford ReDirect Exam of Witness Scienskie	Asking Witness if there are no communications with KY Power going on now
2:15:04 PM	Note: Schweighardt, Stephanie Atty Samford ReDirect Exam of Witness Scienskie	Asking Witness regarding special contract with KY Power
2:16:09 PM	Note: Schweighardt, Stephanie Atty Samford ReDirect Exam of Witness Scienskie	Asking Witness about Riverside being a competitor of KY Power
2:16:41 PM	Note: Schweighardt, Stephanie Atty Samford ReDirect Exam of Witness Scienskie	Asking Witness regarding Atty Overstreet's questions about the IGS rate
2:17:39 PM	Note: Schweighardt, Stephanie Atty Ovestreet Re-Cross Exam of Witness Scienskie	Askiing Witness about the Tariff and KY Power and this being rised in this rate case
2:18:23 PM	Note: Schweighardt, Stephanie Atty Ovestreet Re-Cross Exam of Witness Scienskie	Asking Witness regarding letter sent to KY Power
2:18:50 PM	Note: Schweighardt, Stephanie OBJECTION - Atty Samford	Asking Witness about how the proposed language changed in the tariff
2:19:07 PM	Note: Schweighardt, Stephanie Atty Ovestreet Re-Cross Exam of Witness Scienskie	Chairman Overrules
2:21:25 PM	Note: Schweighardt, Stephanie Atty Chandler	Asking Witness to explain how the proposed change in the Tariff has any bearings in the discussion of KY Power rate case
2:21:49 PM	Note: Schweighardt, Stephanie PSC Atty Vinsel Re-Cross Exam of Witness Scienskie	Makes statement regarding the AG does not anticipate providing testimony on NUG
	Note: Schweighardt, Stephanie	Asking Witness how does the special contract relate to tariff NUG

2:22:32 PM	PSC Atty Vinsel Re-Cross Exam of Witness Scienskie Note: Schweighardt, Stephanie	Asking Witness that Riverside is taking service from KY power under contract NUG rather than the lanuage in the tariff as it currently exist.
2:23:07 PM	Atty Samford Note: Schweighardt, Stephanie	Makes statement regarding the document that references the tariff
2:23:53 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Excuses Witness
2:24:02 PM	Atty Samford Note: Schweighardt, Stephanie	Summarizes Riverside's motion to intervene
2:27:26 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Excuses Atty Samford
2:27:42 PM	Atty Samford Note: Schweighardt, Stephanie	Regarding time to file response
2:28:10 PM	Atty Kurts Note: Schweighardt, Stephanie	Ask to be excused
	Note: Schweighardt, Stephanie	Chairman Excuses Atty Kurts
2:28:24 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Decision to take a 20min break
	Note: Schweighardt, Stephanie	Discuss taking a break
2:29:33 PM	Session Paused	
2:53:02 PM	Session Resumed	
2:53:06 PM	Atty Chandler Note: Schweighardt, Stephanie	Introduces Counsel Justin McNeal
2:53:22 PM	Atty Overstreet Note: Schweighardt, Stephanie	Regarding existence of special contract
	Note: Schweighardt, Stephanie	Chairman acknowleges clarification
2:54:36 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Calls Kentucky Commercial Utilty Customers (KCUC)
2:54:37 PM	Atty Gardner Note: Schweighardt, Stephanie	Introduces staff and witness
2:55:00 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Swears in witness
2:55:12 PM	Atty Gardner Direct Exam of Witness Vierling Note: Schweighardt, Stephanie	Asking Witness to state name, place of employment and describe job title
2:56:58 PM	Atty Gardner Direct Exam of Witness Vierling Note: Schweighardt, Stephanie	Asking Witness to describe NOES

2:57:19 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking Witness to describe educational background
Stephanie

2:57:37 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking Witness about tenure and job duties
Stephanie

2:58:29 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking Witness if he works with Tom Abley and who is he
Stephanie

2:58:54 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking Witness if Tom Abley was he able to be here today
Stephanie

2:59:10 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking Witness regarding the meeting Tom attended at the 300
Stephanie Building

2:59:54 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking Witness to describe what KCUC plans to do at the rate case
Stephanie hearing.

3:00:41 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking Witness about the discussion of organization formation gone
Stephanie on

3:01:17 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking Witness about the model KCUC used
Stephanie

3:01:44 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking Witness to identify the two commercial customers supporting
Stephanie KCUC

3:02:24 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking Witness about any other customers joining KCUC
Stephanie

3:02:54 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking Witness if KCUC will represent their interest in this hearing
Stephanie

3:03:06 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking Witness if the AG or KIUC could represent KCUC in this case
Stephanie

3:03:45 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking witness if the AG ever represented KCUC in a rate case
Stephanie

3:04:15 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking witness if commission grants intervention to another like
Stephanie walmart, could they represent KCUC

3:04:54 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking Witness what pressing issues facing commercial customers
Stephanie that KCUC needs to address.

3:06:45 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking Witness what issues in rate cases are commercial customers
Stephanie interested in

3:07:26 PM Atty Gardner Direct Exam of Witness Vierling
Note: Schweighardt, Asking Witness if KCUC will be able to assist the commission with
Stephanie these kinds of issues and will this assistance take place in the form
of data and expert testimony

3:08:15 PM Chairman Schmitt
Note: Schweighardt, Excuses Vice Chairman Cicero from hearing
Stephanie

3:08:46 PM Atty Overstreet Cross Exam of Witness Vierling
Note: Schweighardt, Asking Witness regarding the company's Cost of Service
Stephanie

3:09:56 PM Atty Overstreet Cross Exam of Witness Vierling
Note: Schweighardt, Asking Witness regarding the 5 industrial and non residential
Stephanie customers

3:11:13 PM Atty Overstreet Cross Exam of Witness Vierling
Note: Schweighardt, Asking Witness regarding school clients
Stephanie

3:11:36 PM Atty Overstreet Cross Exam of Witness Vierling
Note: Schweighardt, Asking witness when was KCUC organized
Stephanie

3:11:52 PM Atty Overstreet Cross Exam of Witness Vierling
Note: Schweighardt, Asking witness if he has ever been in front of the psc
Stephanie

3:12:14 PM Atty Chandler Cross Exam of Witness Vierling
Note: Schweighardt, Ask spelling of Tom Abele and names of other directors
Stephanie

3:13:32 PM Atty Chandler Cross Exam of Witness Vierling
Note: Schweighardt, Asking Witness which will KCUC represent in hearing
Stephanie

3:13:50 PM Atty Chandler Cross Exam of Witness Vierling
Note: Schweighardt, Asking Witness regarding EIE data
Stephanie

3:14:32 PM Atty Chandler Cross Exam of Witness Vierling
Note: Schweighardt, Asking Witness regarding KCUC needed to be represented and the
Stephanie AG did not reach out to KCUC

3:15:25 PM Atty Chandler Cross Exam of Witness Vierling
Note: Schweighardt, Asking Witness should the AG reach out to the company to make
Stephanie sure they are represented

3:16:03 PM Atty Chandler Cross Exam of Witness Vierling
Note: Schweighardt, Asking witness regarding the witness indication AG are more for
Stephanie residential customers

3:17:23 PM PSC Atty Vinsel Cross Exam of Witness Vierling
Note: Schweighardt, Asking Witness regarding the tariffs KCUC customers take service
Stephanie under

3:17:57 PM PSC Atty Vinsel Cross Exam of Witness Vierling
Note: Schweighardt, Asking Witness regarding two tariffs in the motion to intervene
Stephanie

3:18:17 PM PSC Atty Vinsel Cross Exam of Witness Vierling
Note: Schweighardt, Asking Witness about any other tariffs in particular
Stephanie

3:18:46 PM PSC Atty Vinsel Cross Exam of Witness Vierling
Note: Schweighardt, Asking Witness regarding past rate cases with this commission,
Stephanie commercial entities that have been allowed to intervene

3:19:31 PM PSC Atty Vinsel Cross Exam of Witness Vierling
Note: Schweighardt, Asking Witness regarding walmart's unique low characteristics
Stephanie

3:20:48 PM Chairman Schmitt Cross Exam of Witness Vierling
Note: Schweighardt, Asking Witness to identify by name, hospitals under Appalation
Stephanie healthcare

3:21:57 PM Chairman Schmitt Cross Exam of Witness Vierling
Note: Schweighardt, Asking Witness regarding five hospitals under KY Power service area
Stephanie

3:22:27 PM	Chairman Schmitt Cross Exam of Witness Vierling Note: Schweighardt, Stephanie	Asking Witness of officers or directors on the ARAH board of directors or trustees
3:23:02 PM	Chairman Schmitt Cross Exam of Witness Vierling Note: Schweighardt, Stephanie	Asking witness if he is familiar how ARAH is funded
3:23:26 PM	Chairman Schmitt Cross Exam of Witness Vierling Note: Schweighardt, Stephanie	Asking Witness if they receive grants from KY or Commonwealth of KY
3:23:46 PM	Chairman Schmitt Cross Exam of Witness Vierling Note: Schweighardt, Stephanie	Asking Witness if statewide any other members of KCUC at this time
3:24:06 PM	Chairman Schmitt Cross Exam of Witness Vierling Note: Schweighardt, Stephanie	Asking Witness if to be a member, do you have to pay dues
3:24:47 PM	Atty Chandler Re-Cross Exam of Witness Vierling Note: Schweighardt, Stephanie	Asking Witness how is it you are unaware of involment of customers, you can state the outcome of the rate cases
3:26:48 PM	Atty Chandler Re-Cross Exam of Witness Vierling Note: Schweighardt, Stephanie	Asking Witness if in the study do you look at each rate case outcome
3:27:18 PM	Atty Chandler Re-Cross Exam of Witness Vierling Note: Schweighardt, Stephanie	Asking Witness if he is aware of the KU and LGE rate case
3:27:58 PM	Chairman Schmitt Re-Cross Exam of Witness Vierling Note: Schweighardt, Stephanie	Asking Witness if commercial customers were not represented very well
3:28:45 PM	Chairman Schmitt Re-Cross Exam of Witness Vierling Note: Schweighardt, Stephanie	Asking Witness about the two clients KCUC currently has
3:29:22 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Witness is excused
3:29:32 PM	Atty Gardner Note: Schweighardt, Stephanie	Summarizes KCUC's motion to intervene
3:33:24 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Excuses Atty Gardner
3:33:45 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Addresses comments regarding AG representation
3:34:36 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Calls counsel for Progress Metal Reclamation Company (Progress)
3:35:04 PM	Atty Howard Note: Schweighardt, Stephanie	Introduces staff and witness
3:35:20 PM	Chairman Schmitt Note: Schweighardt, Stephanie	swears in witness
3:35:31 PM	Atty Howard Direct Exam of Witness Hart Note: Schweighardt, Stephanie	Ask witness to state name and business

3:36:15 PM Atty Howard Direct Exam of Witness Hart
Note: Schweighardt, Asking Witness for overview of current responsibilities
Stephanie

3:36:43 PM Atty Howard Direct Exam of Witness Hart
Note: Schweighardt, Asking Witness about business heritage
Stephanie

3:38:03 PM Atty Howard Direct Exam of Witness Hart
Note: Schweighardt, Asking Witness about company's operations from 2010 to current
Stephanie date

3:38:58 PM Atty Howard Direct Exam of Witness Hart
Note: Schweighardt, Asking Witness to explain the production since 2010
Stephanie

3:40:28 PM Atty Howard Direct Exam of Witness Hart
Note: Schweighardt, Asking Witness regarding company's recovery
Stephanie

3:41:23 PM Atty Howard Direct Exam of Witness Hart
Note: Schweighardt, Asking Witness to explain the impact of the company's electric bills
Stephanie and what has been done to reduce cost

3:42:24 PM Atty Howard Direct Exam of Witness Hart
Note: Schweighardt, Asking Witness to explain why are he is here today to testify
Stephanie

3:42:52 PM Atty Howard Direct Exam of Witness Hart
Note: Schweighardt, Asking witness why should intervention be granted to Progress
Stephanie

3:47:02 PM Atty Howard Direct Exam of Witness Hart
Note: Schweighardt, Asking witness if he is familiar with numbers provided and did he
Stephanie provided these

3:48:00 PM Atty Howard Direct Exam of Witness Hart
Note: Schweighardt, Asking Witness if the AG and KIUC could represent Progress
Stephanie interests in this case

3:50:45 PM Atty Overstreet Cross Exam of Witness Hart
Note: Schweighardt, Asking Witness about Progress Tariff
Stephanie

3:51:19 PM Atty Overstreet Cross Exam of Witness Hart
Note: Schweighardt, Asking Witness about the two drivers of intervention -
Stephanie

3:52:52 PM Atty Overstreet Cross Exam of Witness Hart
Note: Schweighardt, Asking Witness regarding that KY Power has filed CSIR P tariff with
Stephanie the Commission

3:53:47 PM Atty Overstreet Cross Exam of Witness Hart
Note: Schweighardt, Concern of demand charge
Stephanie

3:54:33 PM Atty Overstreet Cross Exam of Witness Hart
Note: Schweighardt, regardign Progress as an outline customer of KY Power
Stephanie

3:54:57 PM AG Cross Exam of Witness Hart
Note: Schweighardt, If granted will conduct discovery and file testimony from today
Stephanie

3:55:31 PM PSC Atty Fell Cross Exam of Witness Hart
Note: Schweighardt, Regarding two shifts to one shift
Stephanie

3:56:43 PM PSC Atty Fell Cross Exam of Witness Hart
Note: Schweighardt, low factor - profile, what was the difference in the two shifts
Stephanie

3:57:16 PM PSC Atty Fell Cross Exam of Witness Hart
Note: Schweighardt, Has Progress done any study of CIUS??
Stephanie

3:58:07 PM PSC Atty Fell Cross Exam of Witness Hart
Note: Schweighardt, Asking Witness if KICU representing industrial customers and
Stephanie cannot represent Progress due to low factor

3:58:48 PM Chairman Schmitt Cross Exam of Witness Hart
Note: Schweighardt, Asking Witness of location of facilitiy
Stephanie

3:59:05 PM Chairman Schmitt Cross Exam of Witness Hart
Note: Schweighardt, Asking Witness if facility is operating at all
Stephanie

3:59:20 PM Chairman Schmitt Cross Exam of Witness Hart
Note: Schweighardt, Asking Witness where do they sell the product
Stephanie

3:59:49 PM Chairman Schmitt
Note: Schweighardt, Excuses Witness
Stephanie

4:00:03 PM Chairman Schmitt
Note: Schweighardt, Swears in Witness
Stephanie

4:00:20 PM Atty Howard Direct Exam of Witness Wolfram
Note: Schweighardt, Asking Witness to state name and business
Stephanie

4:00:51 PM Atty Howard Direct Exam of Witness Wolfram
Note: Schweighardt, Asking Witness about educational background
Stephanie

4:01:37 PM Atty Howard Direct Exam of Witness Wolfram
Note: Schweighardt, Asking Witness about experience with rate making knowledge with
Stephanie rate making

4:02:30 PM Atty Howard Direct Exam of Witness Wolfram
Note: Schweighardt, Asking Witness if he has ever testified before the commission
Stephanie

4:02:38 PM Atty Howard Direct Exam of Witness Wolfram
Note: Schweighardt, Asking Witness about purpose for Witness' testimony
Stephanie

4:03:26 PM Atty Howard Direct Exam of Witness Wolfram
Note: Schweighardt, Asking Witness to explain what is an Economic Development Rate
Stephanie (EDR)

4:04:19 PM Atty Howard Direct Exam of Witness Wolfram
Note: Schweighardt, Asking Witness to explain what is a Lower Retention Rate (LRR)
Stephanie

4:04:59 PM Atty Howard Direct Exam of Witness Wolfram
Note: Schweighardt, Asking Witness how does an LRR operate
Stephanie

4:05:33 PM Atty Howard Direct Exam of Witness Wolfram
Note: Schweighardt, Asking Witness if the LRR similar to the EDR
Stephanie

4:06:21 PM Atty Howard Direct Exam of Witness Wolfram
Note: Schweighardt, Asking Witness if LRR provides temperary relief, correct
Stephanie

4:07:22 PM Atty Howard Direct Exam of Witness Wolfram
Note: Schweighardt, Asking Witness if he sees those circumstances needed for these
Stephanie conditions

4:07:55 PM	Atty Howard Direct Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness if the LRR address Progress' special interest in these proceedings
4:09:47 PM	Atty Howard Direct Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness if average IGS load is for the IGS load transmission
4:10:30 PM	Atty Howard Direct Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness if he thinks the LRR will assist the PSC
4:11:15 PM	Atty Howard Direct Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness if he thinks the presentation of the LRR will disrupt the proceedings
4:12:06 PM	Atty Overstreet Cross Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness regarding demand charge
4:12:38 PM	Atty Overstreet Cross Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness regarding the LRR against the demand charge
4:13:08 PM	Atty Overstreet Cross Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness regarding the EDR
4:13:29 PM	Atty Overstreet Cross Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness who pays for the discount credit with the LRR
4:14:07 PM	Atty Overstreet Cross Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness if proposal is that KY Power cover the cost of the LRR
4:14:42 PM	Atty Overstreet Cross Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness if KY Power is not recovering cost under existing EDR
4:15:33 PM	Atty Overstreet Cross Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness if there are there any other utilities in the commonwealth that has a LRR
4:16:14 PM	Atty Overstreet Cross Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness if he proposed the LRR when you were with LGE and KU
4:17:15 PM	Atty Overstreet Cross Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness if Progress did not particiapt in KY Powers EDR
4:17:39 PM	Atty Overstreet Cross Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness if IGS Customers with a low factor as low as Progress
4:17:54 PM	PSC Atty Vinsel Cross Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness if two shifts would have been higher than now with the one shift
4:18:40 PM	Atty Howard Re-Direct Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness about the relocation of LRR
4:20:09 PM	Atty Howard Re-Direct Exam of Witness Wolfram Note: Schweighardt, Stephanie	Asking Witness if he has reviewed these cases from the side of the utilities
4:21:39 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Witness excuse

4:21:46 PM	Atty Howard Note: Schweighardt, Stephanie	Summarizes Progress' motion to intervene
4:23:37 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Calls upon KY Power's Atty Overstreet for any closing comments
4:23:55 PM	Atty Overstreet Note: Schweighardt, Stephanie	Addresses Commission
4:33:43 PM	Atty Chandler Note: Schweighardt, Stephanie	Addresses Commission
4:36:15 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Regarding AG Office representing all customers
4:37:06 PM	Chairman Schmitt Note: Schweighardt, Stephanie	Hearing adjourned
4:37:23 PM	Session Paused	
4:40:43 PM	Session Ended	



Judge: Bob Cicero; Talina Mathews; Michael Schmitt

Defendant: Ben Basil; Evan Buckley; Gregory Dutton; James Gardner; Mark David Goss; Carrie Harris; Mark E Health; Dennis Howard; David Leightty; Matthew Malone; William May; Barry A Naum; Todd Osterloh; Don Parker; David S Samford; Morgain Sprague; Janice Theriot ; Laurence Zielke

Witness: Robin Cooper; Ed Divine; Randy Hallis; Matthew Hart; George Scienskie; Gregory Tillman; Ty Vierling; Ronald Willhite; John Wolfram

Clerk: Stephanie Schweighardt

Name:	Description:
KCTA Exhibit 01	Tariff C.A.T.V.
KIUC Exhibit 01	Walmart Locations Map
Walmart Exhibit 01	Electron Application of Kentucky Power Company



< Our Story

Our Locations

Where in the world is Walmart? Zoom and pan within the interactive map to select a country and learn more about each location, including U.S. state details.



Choose a country on the map or select from the list :

United States



Choose a state on the map or select from the list :

Kentucky



Kentucky

Associates:

Associates in Kentucky: 29,610

Average wage: \$14.06*

*For regular, full-time hourly associates in Walmart Discount Stores, Supercenters and Neighborhood Markets, as of April 2017.

Suppliers:

Spent with suppliers: \$1.3 billion

Number of suppliers: 848

Supplier jobs supported: 35,041

*Supplier figures provided by Dun & Bradstreet for FYE 2017

Taxes and Fees:

Collected: \$243.4 million

Paid: \$92.5 million

*Collected on behalf of the state of Kentucky as part of transactional sales of taxable goods and services for FYE 2017

Community Giving to Local Organizations in FYE 17:

Cash and in-kind donations from stores, clubs and the Walmart Foundation: \$23.22 million

Distribution Centers:

Total number of distribution centers: 2

Kentucky at a glance

Total Retail Units on February 16, 2017	105
Supercenters	79

Discount Stores

8

Neighborhood Markets

9

Sam's Clubs

9

More from Walmart



Walmart expands e-commerce network with new state-of-the-art center in Florida



Walmart is making back-to-school faster, easier and more convenient



U.S. Manufacturing Open Call event generates more than 750 product deals

© 2017 Wal-Mart Stores, Inc.



July 21, 2017

Ms. Talina R. Matthews
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

VIA ELECTRONIC FILING &
FEDERAL EXPRESS

Re: Electronic Application of Kentucky Power Company for (1) a General Adjustment of its Rates for Electric Service; (2) an Order Approving its 2017 Environmental Compliance Plan; (3) an Order Approving its Tariffs and Riders; (4) an Order Approving Accounting Practices to Establish Regulatory Assets and Liabilities; and (5) an Order Granting All Other Required Approvals and Relief;

Case No. 2017-00179

Dear Ms. Matthews:

Please find attached for electronic filing with the Kentucky Public Service Commission the Testimony in Support of Intervention of Gregory W. Tillman on behalf of Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart"), in the above-referenced matters. An original and six (6) copies of this filing is also being sent via Federal Express to the Commission on this date.

All parties are being served a copy of this document in accordance with the attached Certificate of Service.

If you have any questions regarding this filing, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Don C. A. Parker".

Don C. A. Parker (Kentucky I.D. No. 94113)

Barry A. Naum
bnaum@spilmanlaw.com

Carrie M. Harris
charris@spilmanlaw.com

DCP/sds
Attachments
c: Certificate of Service

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC APPLICATION OF)
KENTUCKY POWER COMPANY FOR (1) A)
GENERAL ADJUSTMENT OF ITS RATES)
FOR ELECTRIC SERVICE; (2) AN ORDER)
APPROVING ITS 2017 ENVIRONMENTAL)
COMPLIANCE PLAN; (3) AN ORDER)
APPROVING ITS TARIFFS AND RIDERS;)
(4) AN ORDER APPROVING ACCOUNTING)
PRACTICES TO ESTABLISH REGULATORY)
ASSETS AND LIABILITIES; AND (5) AN)
ORDER GRANTING ALL OTHER REQUIRED)
APPROVALS AND RELIEF)

CASE NO. 2017-00179

TESTIMONY IN SUPPORT OF INTERVENTION OF
GREGORY W. TILLMAN
ON BEHALF OF
WAL-MART STORES EAST, LP AND SAM'S EAST, INC.

Filed: July 21, 2017

1 Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND OCCUPATION FOR
2 THE RECORD.

3 A. My name is Gregory W. Tillman. My business address is 2001 SE 10th St., Bentonville,
4 AR 72716-5530. I am employed by Wal-Mart Stores, Inc. as Senior Manager, Energy
5 Regulatory Analysis.

6
7 Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS DOCKET?

8 A. I am testifying on behalf of Wal-Mart Stores East, LP and Sam's East, Inc. (collectively,
9 "Walmart").

10
11 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

12 A. In its July 12, 2017 Order, the Kentucky Public Service Commission ("PSC" or
13 "Commission") established a Hearing to receive testimony in support of Motions to
14 Intervene filed by Walmart and other parties. In accordance with that Order, I am testifying
15 in support of Walmart's requested intervention in this case. As requested by the
16 Commission, I hope to provide further justification for Walmart's participation in this case
17 as a full party. To that end, Walmart has elected to pre-file my testimony in an effort to
18 assist that determination.

19

1 Q. HAS WALMART PREVIOUSLY PARTICIPATED AS A PARTY IN OTHER
2 PROCEEDINGS BEFORE THIS COMMISSION?

3 A. Yes. Based on my review, Walmart has been an active party in at least six Commission
4 proceedings. Walmart was a party in the two most recent Kentucky Power Company
5 ("Kentucky Power" or "Company") rate cases at Case Nos. 2014-00396 and 2013-00197.
6 Most recently, Walmart was a party in the general rate cases initiated by Kentucky Utilities
7 Company ("KU") and Louisville Gas and Electric Company ("LG&E") at Case Nos. 2016-
8 00370 and 2016-00371.

9
10 Q. DID WALMART FILE A MOTION TO INTERVENE IN THIS PROCEEDING?

11 A. Yes. Walmart filed its Motion to Intervene in this case on June 12, 2017.
12

13 Q. WHY DID WALMART SEEK FULL INTERVENTION IN THIS CASE?

14 A. Walmart owns and operates many stores and supporting facilities throughout Kentucky and
15 purchases significant amounts of energy annually in Kentucky. These purchases constitute
16 one of the highest single costs to Walmart's operations in the state.

17

18 Monopoly utility service such as that provided by Kentucky Power Company, unlike most
19 if not all other products and services purchased by Walmart in the course of our business,
20 does not require the vendor to negotiate price and term with us prior to establishing service.
21 Instead, Walmart is relegated to the status of captive price-taker, as are all other customers.

22

1 Rate-setting proceedings such as this case are important venues for customers to advocate
2 and influence the price and terms of service, as it is ultimately the customers who will bear
3 the burden on their monthly bills of the decisions made in the proceeding. In order to
4 manage cost exposure from rate-setting and other regulatory proceedings, Walmart
5 employs a team of five associates with over 70 years of combined utility operations, rates,
6 and regulatory experience and over the past decade has participated in over 300 regulatory
7 dockets.

8

9 **Q. CAN YOU PLEASE PROVIDE AN OVERVIEW OF WALMART'S OPERATIONS**
10 **AND ELECTRICITY CONSUMPTION LEVELS IN THE COMMONWEALTH**
11 **AND WITHIN THE KENTUCKY POWER TERRITORY?**

12 A. Yes. Walmart has 105 retail locations and 2 distribution centers in Kentucky; Kentucky
13 Power serves nine stores. We are the largest single employer in the Commonwealth, with
14 nearly 30,000 associates. Additionally, Walmart spent \$1.3 billion with 848 Kentucky-
15 based suppliers, supporting an additional 35,000 jobs. In our Fiscal year ending January
16 2017, Walmart purchased 409 million kWh from Kentucky suppliers, with 34 million kWh
17 purchased from Kentucky Power.

18

19 **Q. WHAT MAKES WALMART'S INTEREST IN THIS CASE UNIQUE?**

20 A. In addition to being the largest single employer in the state, Walmart is a unique customer
21 in that we are a single customer purchasing substantial amounts of energy for several
22 accounts at multiple locations. Unlike most other commercial customers, these accounts

1 include customers in Kentucky Power's LGS, IGS Secondary, IGS Primary, and IGS
2 Subtransmission rate classes, and unlike most other commercial customers, Walmart also
3 has a unique load profile, operating on these diverse rate schedules 24 hours a day at its
4 various locations. All of these accounts, locations, and operations are impacted by the
5 Company's proposed rate increases and the Commission's resolution of this proceeding.
6

7 **Q. IS WALMART'S UNIQUE INTEREST REPRESENTED BY ANY OTHER PARTY**
8 **IN THIS PROCEEDING?**

9 A. No. While I understand that the Attorney General is obligated to represent consumer
10 interests in general, there is no party in this case with the responsibility to represent
11 Walmart's unique interest. In fact, there are no parties in this case that would be inclined
12 to advocate fully for any large retail customers' interests.
13

14 **Q. WHY IS THE ATTORNEY GENERAL'S PARTICIPATION IN THIS CASE**
15 **INSUFFICIENT TO PROTECT WALMART'S INTEREST?**

16 A. Based on my limited experience in Kentucky, I believe that the Attorney General's office
17 does an excellent job of advancing the general interests of the citizens of Kentucky,
18 including the general interests of utilities' ratepayers. However, it is not clear to me that
19 the Attorney General's office would, or even should, advocate for Walmart's interests
20 beyond those that are general in nature and essentially equivalently impact all customer
21 interests, specifically, revenue requirement and return on equity ("ROE"). I believe that it
22 is impossible for a single party to effectively advance the general public interest while also

1 advocating for the particular, individual interests of parties within the various classes of
2 customers on the Company's system.

3
4 **Q. WHY IS THAT?**

5 **A.** It is not uncommon for various customer classes to have conflicting interests in rate
6 proceedings. For example, in terms of the allocation of a utility's overall revenues, it is
7 common for one or more classes of customers to be subsidizing the cost to serve other
8 customer classes. The various customer class advocates will have competing viewpoints
9 of what is a fair allocation of the revenue or the change in revenue.

10
11 Representatives from each customer class should have the opportunity to present a case
12 that advances each one's own perspective. In the words of Dr. Bonbright, "A fair rate
13 means whatever rate is in my self-interest." *See* Bonbright, J. C. (1961), *Principles of*
14 *Public Utility Rates* [1st ed.]. New York: Columbia University Press. p 126. Without the
15 knowledge of these various perspectives of fairness, the Commission's role of balancing
16 the interests of all parties would certainly be impacted.

17
18 **Q. WOULD THE PARTICIPATION OF A MORE BROADLY DEFINED**
19 **"COMMERCIAL" CUSTOMER INTEREST BE SUFFICIENT TO ADVOCATE**
20 **FOR WALMART'S INTERESTS?**

21 **A.** In my opinion, no. The potential class of "commercial" customers is vast, and encompasses
22 a number of rate schedules. Some commercial customers have usage characteristics and

1 interests more closely resembling the residential class, while other commercial customers
2 have characteristics and interests more akin to the industrial class. Walmart, especially
3 within the service we take from Kentucky Power, finds itself both on rates that are
4 associated with commercial customers (*e.g.*, LGS) and rates that lend themselves more
5 toward industrial class customers (*e.g.*, IGS).

6
7 It is possible for individual customers to participate in an intervention group, and Walmart
8 does utilize this strategy from time to time. However, for the group to effectively advocate
9 for the interests of its members, the group must have similarly situated customers with
10 shared goals and willingness to advocate. Additionally, and particularly important for this
11 proceeding, differences in geographical dispersion and facility load factor can provide
12 insurmountable obstacles to group advocacy, especially for cost of service, revenue
13 allocation, and rate design issues. The mix of Walmart's loads across Kentucky Power's
14 system essentially ensures that a single advocate could not represent our positions
15 adequately and without conflict on those topics while simultaneously representing one or
16 more other customers. As such, no commercial customer or group adequately represents
17 all of Walmart's interests.

18

1 Q. WOULD INDUSTRIAL UTILITY CUSTOMER GROUPS BE SUFFICIENT TO
2 ADVOCATE FOR WALMART'S INTERESTS?

3 A. Again, while there is some overlap in the interests of industrial customers with those of
4 Walmart, for all of the reasons already mentioned, the industrial customer advocates would
5 not, and should not be expected to, represent the breadth of Walmart's interests.
6

7 Q. WILL THE TESTIMONY AND EVIDENCE OFFERED BY WALMART IN THIS
8 PROCEEDING ASSIST THE COMMISSION IN FULLY CONSIDERING THIS
9 MATTER?

10 A. Yes. In every proceeding, Walmart attempts to provide evidence and testimony that
11 presents a reasoned and reasonable explanation of the perspective of a national large
12 retailer within the context of the specific case. While we are still in the process of
13 evaluating the Company's proposals in this particular proceeding, our evidence
14 traditionally relates to our perspective of just and reasonable rates of return and returns on
15 equity, commercial rate design, and overall cost and revenue allocation between the various
16 rate classes and within individual commercial rate classes amongst similarly-situated
17 customers.
18

19 Based on the facts presented in each case, Walmart often supports various proposals from
20 utilities, and often recommends adjustments or modifications that we believe produce a
21 just and reasonable result. Walmart also always participates in settlement discussions and

1 believes that achieving settlements in cases such as this one is an important objective,
2 where possible.

3
4 **Q. DO YOU BELIEVE, BASED ON THE COMMISSION'S RECENT ORDERS IN**
5 **THE KU AND LG&E RATE CASES, THAT WALMART PRESENTED**
6 **EVIDENCE IN THOSE CASES THAT FULLY SUPPORTED THE**
7 **COMMISSION'S CONSIDERATION OF THOSE CASES?**

8 A. Yes. The Commission was able to consider recent rate case decisions on allowed ROE of
9 other commissions nationwide provided by Regulatory Research Associates and
10 introduced into the record by Walmart. *See* Case No. 2016-00370, Direct Testimony and
11 Exhibits of Gregory W. Tillman, Exhibit GWT-4. According to the Commission's orders
12 in those cases, the Commission found it "appropriate" to use such information provided by
13 parties "to put [investors'] expectations in context." *In the Matter of: Electronic*
14 *Application of Kentucky Utilities Company for an Adjustment of Electric Rates and for*
15 *Certificates of Public Convenience and Necessity*, Case No. 2016-00370, Order (June 22,
16 2017), p. 17; *In the Matter of: Electronic Application of Louisville Gas and Electric*
17 *Company for an Adjustment of its Electric and Gas Rates and for Certificates of Public*
18 *Convenience and Necessity*, Case No. 2016-00371, Order (June 22, 2017), p. 19.

19
20 As a national commercial retailer, Walmart has significant experience with this national
21 perspective. Walmart traditionally presents such evidence in cases like these, and has done
22 so before this Commission, including in the LG&E and KU cases cited.

1 **Q. DO YOU BELIEVE THAT THE COMMISSION SHOULD GRANT WALMART'S**
2 **MOTION FOR FULL PARTY STATUS IN THIS CASE?**

3 **A.** Yes. For the reasons provided in our Motion to Intervene and as explained in more detail
4 here, I respectfully ask that the Commission approve our intervention. Specifically,
5 Walmart's interests are substantial and unique, and are not adequately represented by any
6 other party. Furthermore, Walmart certainly aims to assist the Commission in making its
7 final determination of just and reasonable rates for the Company and its ratepayers through
8 its participation in this case.

9
10 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

11 **A.** Yes.

CERTIFICATE OF SERVICE

I hereby certify that Walmart's July 21, 2017, electronic filing is a true and accurate copy of the Testimony in Support of Intervention of Gregory W. Tillman on behalf of Wal-Mart Stores East, LP and Sam's East, Inc., to be filed in paper medium; and that on July 21, 2017, the electronic filing has been transmitted to the Commission, and that an original and six copies of the filing will be delivered to the Commission, that no participants have been excused from electronic filing at this time, and served upon the following via Electronic Mail:

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Certificate of Service
Case No. 2017-00179
Page 2

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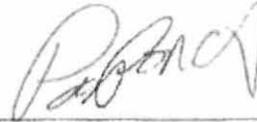
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KENTUCKY POWER COMPANY

P.S.C. KY. NO. 11 ORIGINAL SHEET NO. 16-1
CANCELLING P.S.C. KY. NO. 11 SHEET NO. 16-1

TARIFF C. A. T. V.
(Cable Television Pole Attachment)

AVAILABILITY OF SERVICE.

Available to operators of cable television systems (Operators) furnishing cable television service in the operating area of Kentucky Power Company (Company) for attachments of aerial cables, wires and associated appliances (attachments) to certain distribution poles of Kentucky Power Company.

As used in this Tariff, an "attachment" shall mean the physical connection of (a) a messenger strand supporting the wires, cables or stand-mounted associated facilities and equipment of a cable system or (b) service drops affixed to the pole and located more than one vertical foot away from the point at which the messenger strand is attached to the pole (but not a strand originating or mid-span service drop) or (c) service drops located on a dedicated service, drop or lift pole. An attachment shall consume no more than one foot (1') of vertical space on any distribution pole owned by the Company.

RATE.

Charge for attachments on a two-user pole	\$ 7.21	\$11.97 per-attachment per year
Charge for attachments on a three-user pole	\$ 4.47	\$ 7.42 per attachment per year

The above rate was calculated in accordance with the following formula:

$$\begin{matrix} \text{Weighted Average} \\ \text{Bare Pole Cost} \end{matrix} \times \begin{matrix} \text{Usage} \\ \text{Factor} \end{matrix} \times \begin{matrix} \text{Carrying} \\ \text{Charge} \end{matrix} = \text{Rate Per Pole}$$

A two-user pole is a pole being used, by actual occupation or reservation, by the Operator and the Company. A three-user pole is a pole being used by actual occupation or reservation, by the Operator, the Company, and a third party.

DELAYED PAYMENT CHARGE.

This Tariff is net if account is paid in full within 30 days of date of bill. On all accounts not so paid an additional charge of 5% of the unpaid balance will be made.

POLE SUBJECT TO ATTACHMENT.

When an Operator proposes to furnish cable television service within the Company's operating area and desires to make attachments on certain distribution poles of Company, Operator shall make written application, on a form furnished by Company, to install attachments specifying the location of each pole in question, the character of its proposed attachments and the amount and location of space desired, and any other information necessary to calculate the transverse and vertical load placed upon the pole as a result of the proposed attachment and any other facilities attached to the pole. Within forty-five (45) days after receipt of the application, Company shall notify Operator whether and to what extent any special conditions will be required to permit the use by Operator of each such pole. Operator shall reimburse Company for any expenses incurred in reviewing such written applications for attachment. Operator shall have a non-exclusive right to use such poles of Company as may be used or reserved for use by Operator and any other poles of Company when brought hereunder in accordance with the procedure hereinafter provided. Company shall have the right to grant, by contract or otherwise to others rights or privileges to use any poles of the Company and Company shall have the right to continue and extend any such rights or privileges heretofore granted. All poles shall be and remain the property of Company regardless of any payment by Operator toward their cost and Operator shall, except for the rights provided hereunder, acquire no right, title or interest in or to any such pole.

(Cont'd on Sheet No. 16-2)

DATE OF ISSUE: June 28, 2017

DATE EFFECTIVE: Service Rendered On And After July 29, 2017

ISSUED BY: JOHN A. ROGNESS III

TITLE: Director Regulatory Services

By Authority Of an Order of the Public Service Commission

In Case No. 2017-00179 Dated XXXX

KENTUCKY POWER COMPANY

P.S.C. KY. NO. 11 ORIGINAL SHEET NO. 16-2
CANCELLING P.S.C. KY. NO. 11 SHEET NO. 16-2

TARIFF C.A.T.V. (Cont'd.)
(Cable Television Pole Attachment)

STANDARDS FOR INSTALLATION

All attachments and associated equipment of Operator (including without limitation, power supplies) shall be installed in a manner satisfactory to Company and so as not to interfere with the present or any future use which Company may desire to make of the poles covered by this Tariff. All such attachments and equipment shall be installed and at all times maintained by Operator so as to comply at least with the minimum requirements of the National Electrical Safety Code and any other applicable regulations or codes promulgated by state, local or other governmental authority having jurisdiction there over. Power supply apparatus having as its largest dimension more than sixteen inches must be placed on a separate pole to be installed by Operator. Operator shall take necessary precautions by the installation of protective equipment or other means, to protect all persons and property of all kinds against injury or damage occurring by reason of Operator's attachments.

POLE INSTALLATION OR REPLACEMENT; REARRANGEMENTS; GUYING.

In any case Operator proposes to install attachments on a pole to be erected by Company in a new location, and to provide adequate space or strength to accommodate such attachments (either at the request of Operator to comply with the aforesaid codes and regulations) such pole must, in Company's judgment, be taller and/or stronger than would be necessary to accommodate the facilities of Company and of other persons who have previously indicated that they desire to make attachments on such pole or with whom Company has an agreement providing for joint or share ownership of poles, the cost of such extra height and/or strength shall be paid to Company by Operator. Such cost shall be the difference between the cost in place of the new pole and the current cost in place of a pole considered by Company to be adequate for the facilities of Company and the attachments of such other persons.

Where in Company's judgment a new pole must be erected to replace an existing pole solely to adequately provide for Operator's proposed attachments, Operator agrees to pay Company for the entire cost of the new pole necessary to accommodate the existing facilities on the pole and Operator's proposed attachments, plus the cost of removal of the in-place pole, minus the salvage value, if any, of the removed pole. Title to the new pole shall remain with the Company. Operator shall also pay to Company and to any other owner of existing attachments on the pole the cost of removing each of their respective facilities or attachments from the existing pole and reestablishing the same or like facilities or attachments on the newly-installed pole.

If Operator's desired attachments can be accommodated on existing poles of Company by rearranging facilities of Company thereon of any other person, or if because of Operator's proposed attachments it is necessary for Company to rearrange its facilities on any pole not owned by it, then in any such case, Operator shall reimburse Company and any such other person for the respective expense incurred in making such rearrangement.

If because of the requirements of its business, Company proposed to replace an existing pole on which Operator has any attachment, or Company proposed to change the arrangements of its facilities on any such pole in such manner as to necessitate a rearrangement of Operator's attachment, or if as a result of any inspection of Operator's attachments Company determines that any such attachments are not in accordance with applicable codes or the provisions of this Tariff or are otherwise hazards Company shall give Operator not less than 48 hours notice of such proposed replacement or change, or any such violation or hazard, unless an emergency requires a shorter period. In such event, Operator shall at its expense relocate, rearrange or modify its attachments at the time specified by Company. If Operator fails to do so, or if any such emergency makes notice impractical, Company shall perform such relocation or rearrangement and Operator shall reimburse Company for the reasonable cost thereof.

Any additional guying or anchors required by reason of the attachments of Operator shall be provided at the expense of Operator and shall meet the requirements of all applicable codes or regulations and Company's generally applicable guying standards.

(Cont'd on Sheet No. 16-3)

DATE OF ISSUE: June 28, 2017

DATE EFFECTIVE: Service Rendered On And After July 29, 2017

ISSUED BY: JOHN A. ROGNESS III

TITLE: Director Regulatory Services

By Authority Of an Order of the Public Service Commission

In Case No. 2017-00179 Dated XXXXXXXX

KENTUCKY POWER COMPANY

P.S.C. KY. NO. 11 ORIGINAL SHEET NO. 16-3
CANCELLING P.S.C. KY. NO. 11 _____ SHEET NO. 16-3

TARIFF C.A.T.V. (Cont'd.)
(Cable Television Pole Attachment)

POLE INSPECTION.

Company may make periodic inspections, as conditions may warrant, for the purpose of determining compliance with the provisions of this Tariff. Company reserves the right to inspect each new or proposed installation of Operator on Company's poles. In addition, Company's right to make any inspections and any inspection made pursuant to such right shall not relieve Operator of any responsibility, obligation or liability assumed under this Tariff.

UNAUTHORIZED ATTACHMENTS.

Operator shall make no attachment to or other use of any pole of Company or any facilities of Company thereon, except as authorized. The company reserves the right to make periodic inspections. Should such unauthorized attachment or use be made, Operator shall pay to the Company on demand two times the charges and fees, including but not limited to, any payable under the headings "RATES" and "POLE INSTALLATION OR REPLACEMENT; REARRANGEMENTS; GUYING" that would have been payable had such attachment been made on the date following the date of the last previous inspection required to be made by Company under applicable regulations of the Kentucky Public Service Commission.

ABANDONMENT BY OPERATOR.

Operator may at any time abandon the use of a pole hereunder by removing therefrom all of its attachments and by giving written notice thereof, on a form provided by the Company, and no pole shall be considered abandoned until such notice is received.

INDEMNITY.

Operator hereby agrees to indemnify, hold harmless, and defend Company from and against any and all loss, damage, cost or expense which Company may suffer or for which Company may be held liable because of interruption of Operator's service to its subscribers or because of interference with television reception of said subscribers or others, or by reason of bodily injury, including death, to any person, or damage to or destruction of any property, including loss of use thereof, arising out of or in any manner connected with the attachment, operation, and maintenance of the facilities of Operator on the poles of Company under this Tariff, when due to any act, omission or negligence of Operator, or to any such act, omission or negligence of Operator's respective representatives, employees, agents or contractors.

INSURANCE.

Operator agrees to obtain and maintain at all times policies of insurance as follows:

- (a) Comprehensive bodily injury liability insurance in an amount not less than \$1,000,000 for any one occurrence
- (b) Comprehensive property damage liability insurance in an amount not less than \$500,000 for any one occurrence.
- (c) Contractual liability insurance in an amount not less than the foregoing minimums to cover the liability assumed by the Operator under the agreement or indemnity set forth above.

Prior to making attachments at Company's poles, Operator shall furnish to Company two copies of a certificate, from an insurance carrier licensed to do business in Kentucky, stating that policies of insurance have been issued by it to Operator providing for the insurance listed above and that such policies are in force. Such certificate shall state that the insurance carrier will give Company thirty (30) days' prior written notice of any cancellation of or material change in such policies.

(Cont'd on Sheet 16-4)

DATE OF ISSUE: June 28, 2017

DATE EFFECTIVE: Service Rendered On And After July 29, 2017

ISSUED BY: JOHN A. ROGNESS III

TITLE: Director Regulatory Services

By Authority Of an Order of the Public Service Commission

In Case No. 2017-00179 Dated XXXXXXXX

KENTUCKY POWER COMPANY

P.S.C. KY. NO. 11 ORIGINAL SHEET NO. 16-4
CANCELLING P.S.C. KY. NO. 11 SHEET NO. 16-4

TARIFF C.A.T.V. (Cont'd.)
(Cable Television Pole Attachment)

EASEMENTS.

Operator shall secure any right, license or permit from any governmental body, authority or other person or persons which may be required for the construction or maintenance of attachments of Operator. Company does not convey nor guarantee any easements, rights-of-way or franchises for the construction and maintenance of said attachments. Operator hereby agrees to indemnify and save harmless Company from any and all claims, including the expenses incurred by Company to defend itself against such claims, resulting from or arising out of the failure of Operator to secure such right, license, permit or easement for the construction or maintenance of said attachments on Company's poles.

CHARGES AND FEES.

Operator agrees to pay Company an annual charge per attachments set forth on Tariff Sheet No. 16-1 in advance, and such other charges as may be provided for herein, for the use of each of Company's poles, any portion of which is occupied by, or reserved at Operator's request for the attachments of Operator.

Operator agrees to reimburse Company for all reasonable non-recurring expenses caused by or attributable to Operator's initial attachments including without limitation the amounts set forth herein before and the expenses of Company in examining poles used but not owned by Company to which Operator proposes to make attachments.

FEES FOR ADDITIONAL ATTACHMENTS OR REMOVALS.

For attachments made or removed which are reported to the Company between billing dates, Operator shall be billed or credited a prorated amount of the annual charge effective with the date of attachment or removal on the Operator's next bill.

ADVANCE BILLING

Payment of amounts due hereunder is due on the dates or at the times indicated with respect to each such payment. In the event the time for any payment is not specified, such payment shall be due thirty (30) days from the date of the invoice therefore. In all amounts not so paid an addition charge of five percent (5%) will be assessed. Where the provisions of the Tariff require any payment by Operator to the Company other than for attachment charges, Company may, at its option, require that the estimated amount thereof be paid in advance of permission to use any pole or the performance by company of any work. In such a case, Company shall invoice any deficiency or refund any excess to Operator after the current amount of such payment has been determined.

DEFAULT OR NON-COMPLIANCE.

If Operator fails to comply with any of the provisions of this Tariff or defaults in the performance of any of its obligations under this Tariff and fails within thirty (30) days, after written notice from Company to correct such default or non-compliance, Company may, in addition to all other remedies under this tariff forthwith take any one or more of the following actions: terminate the specific permit or permits covering the poles to which such default or non-compliance is applicable; remove, relocate or rearrange attachments of Operator to which such default or non-compliance relates, all at Operator's expense; decline to permit additional attachments hereunder until such default is cured; or in the event of any failure to pay any of the charges, fees or amounts provided in this Tariff or any other substantial default, or of repeated defaults terminate Operator's right of attachment. *Operator shall remove all attachments where Company has terminated the right of attachment herein within 30 days of Company providing notice of termination. If Operator fails to remove such attachments within 30 days, then Company may remove such attachments at Operator's expense. Company shall have no obligation to store or recover any value for such removed attachments.*

No liability shall be incurred by Company because of any or all such actions except for negligent destruction by the Company of CATV equipment in any relocation or removal of such equipment. The remedies provided herein are cumulative and in addition to any other remedies available to Company.

(Cont'd on Sheet No. 16-5)

DATE OF ISSUE: June 28, 2017

DATE EFFECTIVE: Service Rendered On And After July 29, 2017

ISSUED BY: JOHN A. ROGNESS III

TITLE: Director Regulatory Services

By Authority Of an Order of the Public Service Commission
In Case No. 2017-00179 Dated XXXXXXX

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TARIFF C. A. T. V. (Cont'd)
(Cable Television Pole Attachment)

PRIOR AGREEMENTS.

This Tariff terminates and supersedes any previous agreement, license or joint use affecting Company's poles and Operator's attachments covered herein.

ASSIGNMENT.

This Tariff shall be binding upon and inure to the benefits of the parties hereto, their respective successors and/or assigns, but Operator shall not assign, transfer or sublet any of the rights hereby granted without the prior written consent of the Company, which shall not be unreasonably withheld, and any such purported assignment, transfer or subletting without such consent shall be void.

PERFORMANCE WAIVER.

Neither party shall be considered in default in the performance of its obligations herein, or any of them, to the extent that performance is delayed or prevented due to causes beyond the control of said party, including but not limited to, Acts of God or the public enemy, war, revolution, civil commotion, blockade or embargo, acts of government, any law, order, proclamation, regulation, ordinance, demand, or requirement of any government, fires, explosions, cyclones, floods, unavoidable casualties, quarantine, restrictions, strikes, labor disputes, lock-outs, and other causes beyond the reasonable control of either of the parties.

PRESERVATION OF REMEDIES.

No delay or omission in the exercise of any power or remedy herein provided or otherwise available to the Company shall impair or affect its right thereafter to exercise the same.

DATE OF ISSUE: June 28, 2017

DATE EFFECTIVE: Service Rendered On And After July 29, 2017

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TITLE: Director Regulatory Services

By Authority Of an Order of the Public Service Commission

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